

1 A I would imagine space would be one thing and they
2 took the major markets.

3 Q No, I'm asking whether you know.

4 A Oh, I'm sorry, sir. I don't know for sure how that
5 was chosen.

6 Q Now, what is your understanding as to what is an
7 owned and operated station of TBN? How is it that a station
8 is owned and operated?

9 A My understanding, if it's TBN owned and operated, it
10 was granted a license and there is a board, the TBN board,
11 that controls that station or runs that station. We have our
12 own board at National Minority Television, so we're a separate
13 corporation completely.

14 Q Well, for example, the -- there's a station, a
15 Trinity station, a Trinity-named station in Arizona, KPAZ
16 Channel 21 in Phoenix, that is licensed to an entity called
17 Trinity Broadcasting of Arizona. Now, to your understanding,
18 that's a separate corporation from Trinity Broadcasting
19 Network, isn't it?

20 A I don't have any knowledge of that. I'm sorry, sir.

21 Q So you don't have any knowledge as to what the
22 corporate entities are that hold the licenses to the stations
23 in Arizona or Texas or Seattle or the two in Indiana or in
24 Canton, Ohio or Poughkeepsie or in Florida?

25 A To be perfectly honest, I really don't know. I

1 could guess, but I don't know for sure.

2 Q So it follows from that that you would not know who
3 was on the board of directors of any of the corporations that
4 may be holding the licenses to those stations.

5 A You're right, sir. I don't know.

6 Q Now, about two-thirds of the way into Paragraph 14
7 of your testimony, there's a statement that reads, "Once
8 again, this is unlike the practice of TBN, where the Trinity-
9 owned stations and the O. & O.'s report to a different person,
10 Terry Hickey." Now, how do you know that TBN O. & O. station
11 managers report to Terry Hickey?

12 A I don't know to probably know that for a fact. My
13 understanding is, in talking to Terry, that he has
14 interactions with them and so I just surmised that.

15 Q In your talks with other TBN station managers, have
16 you asked them who they report to?

17 A No, I haven't, sir.

18 Q What is your understanding as to the period of time
19 that station managers at TBN owned and operated stations have
20 reported to Terry Hickey?

21 A I don't know that, sir. I'm sorry.

22 Q Do you have any knowledge as to what subjects TBN
23 station managers talked to, discuss, or consult with Terry
24 Hickey about?

25 A I have no knowledge of that.

1 Q Do you know to whom station managers for TBN owned
2 and operated stations report with respect to ascertainment
3 matters?

4 A No, I don't, sir.

5 Q Do you know to whom station managers for TBN owned
6 and operated stations report with respect to equal employment
7 opportunity compliance?

8 A No, I don't, sir.

9 JUDGE CHACHKIN: With respect to Paragraph 14, sir,
10 when I read that -- when I read that statement, it seems to me
11 that you're testifying from your personal knowledge about Mr.
12 Hickey. But now apparently in your testimony, you've
13 indicated that you have no knowledge of this.

14 MR. McCLELLAN: Well, Your Honor --

15 JUDGE CHACHKIN: You have no personal knowledge of
16 who the -- these people at these various stations report to.
17 Isn't that correct?

18 MR. McCLELLAN: Yes, Your Honor.

19 JUDGE CHACHKIN: And what is the basis for this
20 testimony in Paragraph 14?

21 MR. McCLELLAN: The difference between that I
22 reported to Jane Duff and the other station managers don't. I
23 guess most of my knowledge from this would've come from the
24 managers' meetings that I've gone to and Mr. Hickey makes a
25 presentation to all the managers there, when the affiliate

1 stations have been invited, and shares -- and that's where
2 most of my knowledge, as well as the personal time that I've
3 spent with him. So I guess I can honestly say I can't --
4 would not be willing to swear an oath that this was truth, but
5 it was my surmise.

6 JUDGE CHACHKIN: Well, what manager meetings have
7 you gone to?

8 MR. McCLELLAN: The -- we've been invited -- the
9 affiliates are invited to the National Managers' meetings for
10 the Trinity Network and their affiliates once a year and I was
11 invited on, I believe, three occasions to go to those meetings
12 and there are presentations made with all kinds of exhibits
13 for the affiliates to understand and Terry makes some of the
14 presentations there.

15 JUDGE CHACHKIN: What do you mean affiliates? Do
16 you mean --

17 MR. McCLELLAN: Sunlight Broadcasting, Claude Bowers
18 has a system, I believe, in Florida, All American Television,
19 owned by separate corporations, but affiliated with the
20 Trinity Network.

21 JUDGE CHACHKIN: Go ahead, Mr. Shook.

22 BY MR. SHOOK:

23 Q Would you turn, please, Mr. McClellan, to Mass Media
24 Exhibit 284 which appears in Volume Five?

25 A Pardon me, sir?

- 1 Q Volume Five of our exhibits.
- 2 A And that's 284, sir?
- 3 Q Yes, sir. Basically my question is that in the
- 4 course of preparing your testimony for Paragraph 14, were you
- 5 aware of the contents of Mass Media Exhibit 284?
- 6 A I don't believe I ever received this.
- 7 Q Well, take a look at the --
- 8 A Oh, there's more to it. I'm sorry.
- 9 Q Yes, sir. There's several pages.
- 10 A I never received this memo that I can remember.
- 11 Q I can see by the date that this -- the date of the
- 12 memo's would have been shortly before you became station
- 13 manager in Portland. But my question was that in connection
- 14 with the preparation of Paragraph 14, were you aware of the
- 15 memos such as those appearing in Mass Media Exhibit 284?
- 16 A I didn't know this was in this.
- 17 A I'm not sure you understand my question. The memos
- 18 appear to relate to reports from Jane Duff to what it says,
- 19 "All station managers," and it appears to have some connection
- 20 with equal employment opportunity compliance and what I was
- 21 wondering was in connection with your preparation of Paragraph
- 22 14, you were aware of the existence of such memos, memos such
- 23 as the ones that appear on Pages One and Three of Mass Media
- 24 Exhibit 284.
- 25 A I've never seen these memos before.

1 Q And you've never seen those types of memos before?

2 A Jane sends me a memo every year about my EEO and I
3 get this form, a blank form that's similar to this, but that's
4 how I know, because I report to her.

5 Q But you had no knowledge whether Jane would send
6 that report solely to you or whether she -- the memo solely to
7 you or whether she sent it also to other station managers.

8 A I can't say that for sure, that I would know that.

9 Q Could you please turn to Paragraph 15 of your
10 testimony?

11 JUDGE CHACHKIN: Any particular paragraph you want
12 him to look at?

13 MR. SHOOK: I just wanted him to read it to
14 familiarize himself with the paragraph. Then I was going to
15 ask him a question.

16 JUDGE CHACHKIN: What paragraph?

17 MR. SHOOK: 15. It begins on the bottom of Page Ten
18 and carries over to Page Eleven.

19 MR. McCLELLAN: Yes, sir. I've read it.

20 BY MR. SHOOK:

21 Q Do you know why you have to seek approval from Mrs.
22 Duff with respect to all expenditures of more than \$500?

23 A She's my boss.

24 Q Has it been explained to you why you have authority
25 up to \$500, but then after that, you have to seek her

1 approval?

2 A I guess not officially, other than that's what I'm
3 to do and I do that. Unless there's an emergency, then I can
4 write over that. If there's an emergency to keep us on the
5 air, I have authority to write more than that.

6 Q Right. I'm not -- I'm not questioning the rightness
7 or wrongness of the policy. I'm just wondering whether it had
8 been explained to you why you had to seek such approval and if
9 had not -- if there's been no such explanation, then there
10 hasn't been.

11 A No, sir. I don't believe there's been a real
12 explanation.

13 Q Now, do you know whether the station manager, for
14 example in Tacoma/Seattle, also has to seek approval of
15 someone at TBN headquarters for any expenditure of more than
16 \$500?

17 A I'm not sure how they operate.

18 Q Could you read to yourself Paragraph 16 of your
19 testimony?

20 JUDGE CHACHKIN: Before you do so, we'll take a ten-
21 minute recess at this time.

22 (Whereupon, a brief recess was taken from 10:58 a.m.
23 until 11:08 a.m.)

24 JUDGE CHACHKIN: Back on the record. Mr. Shook?

25 MR. SHOOK: Thank you, Your Honor.

1 BY MR. SHOOK:

2 Q Mr. McClellan, could you please read to yourself
3 Paragraph 16 of your testimony which appears on Page Eleven?

4 A Okay, sir.

5 Q First of all, is the program affiliation agreement
6 between NMTV and TBN, which is in the station's public file,
7 signed by both parties?

8 A I believe so.

9 Q Now, from December 1989 or from your standpoint,
10 January 1990, when you arrived in Portland, to the present
11 time, what cable systems in the Portland area carried TBN
12 programming, but did not carry KNMT TV?

13 A Paragon Cable in Portland carried TBN off satellite
14 and I believe Columbia Cable of Oregon carried TBN off a
15 satellite and those are the two major ones.

16 Q Did Paragon Cable provide service to the city of
17 Portland itself?

18 A To a portion of it, yes.

19 Q A portion of it. Now, do you have any knowledge as
20 to how many Portland area households which could've received
21 your station, KNMT TV over the area, received TBN programming
22 via the cable systems that you have mentioned here, Paragon
23 and Columbia?

24 A I have paper work on that, but nothing with me. I'm
25 sorry. I don't know.

1 Q For what period of time has each of the systems that
2 you've mentioned, Paragon and Columbia, carried TBN
3 programming which did not come from KNMT TV?

4 A Up until Must-Carry. This last -- was it October?
5 In September or October, I think, the change was made.

6 Q So it would've been from the time KNMT signed on
7 until sometime late in 1993?

8 A Yes. We requested carriage, but did not receive it.

9 Q Now, for each named cable system, Paragon and
10 Columbia, that carried TBN programming, but did not carry KNMT
11 TV, how much of each broadcast day did each cable system carry
12 the TBN programming?

13 A I believe they both -- no. Columbia Cable, I think,
14 carried 24 hours, but I think Paragon carried it until 6:00 in
15 the afternoon and then they switched to Mother Angelica for, I
16 believe, an hour or two or something. Maybe 5:00. So they
17 played a few hours of Eternal Word network.

18 Q Do you know how much per day Paragon carried of TBN?

19 A I believe the 24 hours, other than those hours that
20 were preempted.

21 Q So it would've been 20 to 22 hours?

22 A I would think so.

23 Q Did you ever have occasion to discuss with
24 representatives of Paragon, for example, how it was or what
25 arrangement they had with TBN, that they chose to carry TBN

1 programming rather than choosing to carry KNMT programming?

2 A Yes. I approached Paragon and asked them to carry
3 us because we were a local broadcast station and since we were
4 carrying at that time -- when I originally approached them, we
5 were not doing local programs at that time. We did have a
6 local phone number up and some other local things, but I
7 couldn't convince them they needed to make a switch. When we
8 were starting to do local programming, then I went to them
9 again and that was about Must-Carry time that -- Must-Carry
10 was being talked about and they held out to the last minute.

11 Q In other words, they didn't make the switch until
12 Must-Carry forced them to?

13 A Yes.

14 Q What understanding did you have as to the
15 arrangement that Paragon had that caused Paragon or influenced
16 Paragon to stay with the TBN programming off the satellite
17 rather than pick up your station?

18 A I really wasn't aware of why. It was there before I
19 came there.

20 Q Were you given any authority to negotiate with
21 Paragon in terms of the -- whatever arrangements would have to
22 be made with them in terms of price or what did you do in
23 terms of talking with them to try to get them to switch?

24 A When I originally talked to them, Jane had told me
25 to contact the cable systems in my area to try to get them to

1 carry us and so I contacted them and tried to get them to do
2 it out of good will because we were doing local programs. We
3 had local food and clothing ministry and we were going to be
4 doing local programs and that was my approach to try to get
5 them to do it out of good faith and -- because we were a
6 broadcast station and there were other broadcast stations in
7 our community.

8 Q Well, when you first approached Paragon, what period
9 of time would this have been?

10 A I think when we first came -- probably in '90, I
11 think I contacted them originally and talked to a number of
12 the cable systems.

13 Q And you had some success with the cable systems
14 other than Paragon and Columbia?

15 A I had one that was looking to make the change and
16 that was Columbia Cable of Vancouver, Washington, and they
17 were looking at making a switch and I convinced them because
18 of our local programming and what else we were doing to make
19 that switch.

20 Q Well, I'm a little puzzled about something. Local
21 programming really doesn't even come into the picture until
22 sometime in 1992, correct?

23 A Right.

24 Q So what I'm talking about is, say back in 1990, 1991
25 --

1 A It would've been --

2 Q -- you're talking with local cable systems and
3 you're trying to get those local cable systems to pick up your
4 station and at least two of them, you've mentioned, took TBN
5 programming off the satellite. Now, I'm just trying to find
6 out what the discussions were that you had with, first of all,
7 Paragon as to why Paragon would not take your station, but
8 took TBN programming off the satellite. I mean, you're
9 offering the same programming, so what's the problem here?

10 A That was my question. I felt like -- what I told
11 them was that they would be -- that we carried Trinity except
12 when we started doing programs, we would -- they would get our
13 local programs. But my selling point was we had a local
14 prayer partner number on. They wouldn't have to call
15 California to talk with TBN. We had local prayer partners
16 right here at National Minority Television that could handle
17 it and we had our food and clothing ministry that was going to
18 be up and running and that we were going to do programming.

19 In '90 and '91, when I was talking to them, I
20 thought our studios would be completed before. I didn't know
21 all the construction craziness we would have. I thought we'd
22 be on the air much before we were. So a lot of it was said in
23 good faith.

24 Q And what response did you get? I mean, why -- why
25 wasn't the switch made?

1 A They said they just felt that it was not worth the
2 time and the effort to make the change, that they were -- I
3 guess they were getting off the bird and whatever else and I
4 don't know this for sure. So I'm trying to be real honest and
5 say only what I know for sure. I believe they had some kind
6 of a contract with TBN, but I'm not sure. So I can't say that
7 for sure.

8 Q Well, did you ever discuss this matter with Mrs.
9 Duff to find out what arrangement TBN had and whether that
10 arrangement was something that you could equal or beat?

11 A I really didn't. I felt that they had a
12 responsibility to carry us as a local broadcast station and we
13 are not TBN. We're National Minority Television and they
14 needed to carry us.

15 Q No, I understand that. But in the beginning, when
16 you were first approaching these people, you're offering them
17 a set of apples, TBN programming, and they're already getting
18 the set of apples over the -- from the satellite, TBN
19 programming. Now, what I'm trying to find out from you, if
20 you can tell me, is what problems or what concerns or what
21 difficulties the cable system had that it wouldn't take your
22 programming, which was just the same as the programming coming
23 off the satellite?

24 A I'm not -- I can't guarantee that it was Paragon
25 that told me this. One system told me, "You're new. We don't

1 even know if you'll be around here next year and so why should
2 we make the switch?" Somebody told me that. I'm not sure if
3 it was Paragon or Columbia or one of the outlying areas that
4 carried TBN.

5 But in the Portland metro area, they were just -- it
6 was a look and see kind of thing. We had had newspaper
7 coverage about National Minority Television and our station
8 and they still -- we went to T.V. Guide to try to carry us.
9 They wouldn't carry us. So we got kind of a cold shoulder and
10 I think they were all waiting to see if we were going to be
11 around.

12 Q Well, I take it you first approached them sometime
13 in 1990.

14 A Probably -- it could've been the end of '90. I was
15 very busy with the construction companies. It could have been
16 the first part of '91. I honestly can't say the exact time I
17 remember talking to them. I talked to the big ones originally
18 and then I went talking to others.

19 Q Did you wait to approach both Paragon and Columbia
20 until KNMT TV was broadcasting 24 hours per day or had you
21 approached them at an earlier point in time?

22 A I believe it was probably after we were 24 hours a
23 day, I believe.

24 Q Now, if I understand from your testimony, the 24
25 hours a day occurred, you had mentioned February, April,

1 March, and I wasn't sure of the year. Was it 1990 or 1991?

2 A Let's see. Of '90, I believe.

3 Q So by April of 1990, you were on 24 hours a day with
4 TBN programming.

5 A I believe so.

6 Q And it's at this point in time that you're now
7 approaching the cable systems?

8 A I believe so.

9 Q And there had been one cable system that was taking
10 TBN off the satellite and it switched?

11 A No, it wasn't taking TBN It was taking the
12 Inspirational Channel, I believe, and I believe that they were
13 being spoken to about carrying TBN off the satellite by TBN's
14 representative and I tried to talk them out of that and
15 convince them to reject the TBN and carry us instead.

16 Q They were going to carry TBN programming from your
17 station --

18 A They were considering --

19 Q -- rather than --

20 A They were considering carrying TBN or two other --
21 Vision and another one, they were considering, and they hadn't
22 made up their mind and I told them that if they carried us,
23 they would get the local programming when it came, they'd have
24 the local number on the screen, all these things that they
25 would have as well as they would get the Trinity Broadcasting

1 Network, other than when we preempted.

2 Q You had made reference to a TBN representative. Do
3 you know who that person is?

4 A It was a lady, a Hispanic lady, and I can't remember
5 her name and she worked out of the California TBN office.
6 Deila -- I don't remember. I'm sorry.

7 Q But with respect to both Paragon and Columbia, you
8 approached them sometime after the station, your station went
9 on 24 hours a day with TBN programming.

10 A I got the cold shoulder, so I waited until Must-
11 Carry is basically when I really went after them.

12 Q So you approached them basically one time, they told
13 you no, and then you did not approach them again until the
14 Must-Carry rules were essentially very close to --

15 A I may have called them again and just checked with
16 them in seeing if they were going to make the change. They
17 all gave me excuses they were full and they didn't have room
18 and that -- asked us what we were doing and at that time, we
19 weren't doing, I believe, local programming yet. We were
20 going to and we were hoping to get done and so I decided to
21 wait until we had our studio up, until we really had something
22 to sell.

23 Q Did you approach either or both of them as soon as
24 you did commence local programming?

25 A I think I was busy with local programming then and

1 | didn't do much about it.

2 | Q Did you ever talk price with the cable systems in
3 | terms of what costs they might occur and whether your station
4 | would reimburse them in any fashion for the cost of switching
5 | from TBN programming off the satellite to KNMT programming?

6 | A I was told -- I believe Jane told me that we would
7 | pay for what costs there would be for -- is it a modulator? I
8 | think, and a few other things, the antennas or whatever else,
9 | that we would pick up the tab if they'd make the change.

10 | Q Did you pass that information along?

11 | A Yes, I did.

12 | Q And you still were met with the cold shoulder?

13 | A Yes.

14 | Q But that was -- you mentioned that just one time now
15 | to both Columbia and Paragon --

16 | A I believe I --

17 | Q -- that NMTV would pick up the cost of switching?

18 | A I believe I had that authority from the beginning
19 | when Jane first asked me to go, that we will pick up
20 | reasonable costs of making the change. I believe that's true.

21 | Q But you essentially had either very few or just one
22 | conversation with both cable systems in an effort to try to
23 | get them to switch?

24 | A I believe one originally and then one later on and
25 | then I waited. We were about ready to finish the building and

1 I wanted to wait. We were going to have a big open-house and
2 do some publicity and I thought that would be a good time to
3 go after them then and about that time, Must-Carry started
4 being talked about.

5 Q Now, Mr. Cohen had shown you an exhibit and we also
6 went over it. That was the Praise the Lord newsletter for
7 September of '91 where the prayer line phone number was
8 referenced and the prayer line phone number given in the
9 newsletter, at least, was the one in southern California.
10 What I wasn't sure of the following testimony that you gave
11 was when the local prayer line started coming into use.

12 A And I think because I didn't remember. I'm trying
13 to think of when exactly we did that. There are -- I have
14 figures at my office, but I don't have them with me. I'm
15 sorry.

16 Q Would the local prayer line have come into use at or
17 about the time that the local studio first began production
18 which would've been in connection with the Joy program
19 approximately in June of 1992?

20 A I believe that we did the -- from my best
21 recollection, I believe we did prayer partners and the number
22 first, before the studio was completed.

23 Q Now, in doing prayer partners with the local phone
24 number, was that 24 hours per day or was that only a part of
25 the day and then the rest of the day you would still utilize

1 the Trinity number for prayer requests?

2 A That is correct.

3 Q At this point in time, is the local number
4 referenced 24 hours per day or is it some lesser amount of
5 time?

6 A It's less. We are hoping to go 24 hours a day. We
7 don't have enough volunteers. When we do, we will.

8 Q So would I be correct that from the time the local
9 prayer partner line started to be put on the screen for people
10 to notice and for the number to be called, that the number of
11 hours for that has increased?

12 A Yes, it has, sir.

13 Q And it's roughly what, 12 to 18 hours now or what
14 are we talking about here?

15 A I believe they come in at eight in the morning and
16 use the last one -- except for weekends. They work until
17 like one in the morning. But I think that most of the shifts
18 were over like 11, 10:30, 11.

19 Q And when your local shifts are finished, that's when
20 the prayer requests are to be directed to California?

21 A Yes.

22 Q Could you please turn to Paragraph 18 of your
23 testimony? It's on Page 12. Just read it to yourself and
24 then I'll ask you some questions.

25 A Yes, sir.

1 Q Have you ever come to learn that Mark Fountain has
2 consulted with Ben Miller without first telling you that he is
3 going to do so?

4 A Before I came to the station, when Ben was helping
5 build the station, I believe he and Mark -- Mark was
6 functioning as the station manager as well. I think they
7 worked together. When I came, from then on, that's when we
8 went through the -- we started using a chain of command in
9 organizing our administration.

10 Q Do you require Mark Fountain to inform you or to
11 copy you with respect to any communication between himself and
12 Ben Miller?

13 A Yes. He's to see me before he contacts him.

14 JUDGE CHACHKIN: I don't know if he answered your
15 question about being copied on any correspondence from Mr.
16 Miller and Mr. Fountain.

17 MR. McCLELLAN: Yes, Your Honor. I didn't probably
18 answer that. Yes, I am -- I get a copy of any information as
19 well as if Ben sends anything to Mark, I get a copy of that.
20 I'm copied on everything.

21 BY MR. SHOOK:

22 Q Now, in response to my question, I believe you
23 indicated that it was a policy or a requirement that Mark
24 Fountain talk to you first or inform you that he's going to
25 consult with Ben Miller. Is that something that you

1 | communicated with Mr. Fountain orally or has it been reduced
2 | to writing?

3 | A I believe we just talked about it orally.

4 | Q Do you know whether Ben Miller has any role or input
5 | in assessing Mark Fountain's performance as chief engineer at
6 | the Portland station?

7 | A I don't know if he does.

8 | Q Do you know whether Ben Miller ever has had any role
9 | or input in assessing Mark Fountain's performance as chief
10 | engineer at the station?

11 | A Since he's worked for NMTV, I don't know anything
12 | about that part of it. Mark was already there when I came to
13 | work there.

14 | Q Could you read Paragraph 19 to yourself? It appears
15 | on Page 13.

16 | A Yes, sir.

17 | Q Other than yourself, who was involved in supervising
18 | the construction of KNMT TV's studios or studio?

19 | A We had a contractor, Glen Muncie, who I inherited
20 | when I got there.

21 | Q So are you saying it was essentially yourself and
22 | Mr. Muncie?

23 | A As far as --

24 | Q Supervising the construction of the studio.

25 | A Yes. He was -- he took care of the construction.

1 Then when he was gone -- he was not in town very often. Then
2 I would take over and follow through with some of the
3 contractors and whatever.

4 Q He was the chief contractor -- Mr. Muncie was the
5 chief contractor?

6 A Yes, he was.

7 Q Do you know who hired Mr. Muncie or how that
8 arrangement was made?

9 A I don't know that for sure, sir.

10 Q Had you ever seen a written document that deals with
11 Mr. Muncie's arrangement to perform construction services at
12 the Portland station?

13 A No, I have not.

14 Q Did you have any -- did you have any document or
15 what did you refer to in order to determine whether Mr. Muncie
16 was performing in accordance with whatever agreement he may
17 have had to build the studio?

18 A There was no way that I could -- no, he would tell
19 me, "This is what they want." So he would build things and
20 tell me -- my understanding is that he reported to Paul
21 because he'd say, "I'll have to talk to Paul Crouch." I don't
22 know of anything else other than that.

23 Q Do you know whether Mr. Muncie was a TBN employee?

24 A I don't know that for sure.

25 Q How long were you and Mr. Muncie involved in trying

1 to get the Portland studio built?

2 A When I came there in '90, I met him and we worked
3 together -- well, we didn't work together. He worked and I
4 tried to build the station and it was not a very positive
5 relationship and the work was -- we had to redo everything he
6 did. So it was probably until somewhere in -- well, '92 and
7 we did the Joy program in June and we had to wait that long to
8 do programming because there was -- we had to redo his stuff
9 and whatever. So it was somewhere, I would imagine, in '92.
10 They finally took him off so I could finish the station.

11 Q Did you have occasion to complain to anyone in
12 either 1990 or 1991 about what Mr. Muncie was doing?

13 A Yes. I complained a lot.

14 Q And to whom did you complain?

15 A To Jane Duff.

16 Q And what response, if any, did you get from Jane
17 about your complaints?

18 A I'm not sure exactly. I don't remember exactly what
19 was said, but I think she said, "I'll take care of it," or
20 "I'll talk to Paul," or something like that. I'm sure which
21 he said. I don't remember. I just know I complained a lot.

22 Q Did you ever ask Jane whether you could fire this
23 Mr. Muncie?

24 A I asked for anybody else to be contractor. I did
25 ask that if we could remove him, that I could finish the

1 station and he stayed on. And then I stopped complaining when
2 he advised me he had a loaded .45 in his trunk and I quit
3 asking. A different way of performing on a contract, I
4 suppose.

5 Q When did Mr. Muncie inform you that he had a loaded
6 .45 in his trunk?

7 A I think after one nose to nose problem. I believe
8 it was over the lighting grid or something that was -- I had
9 been in broadcasting for twenty years. I knew television.
10 This was, I think, his first station and I couldn't convince
11 him that I knew what it took to build a station. I had been
12 the director of an audio/visual department and had built a
13 station from ground up, so I knew what you needed to do and I
14 couldn't get any cooperation.

15 Q Did you pass on to Mrs. Duff that you had been
16 threatened in this fashion?

17 A No, I don't believe I did.

18 JUDGE CHACHKIN: What reason, if any, did Mrs. Duff
19 give you about retaining Mr. Muncie in light of his inability
20 to construct this studio in a satisfactory manner?

21 MR. McCLELLAN: Your Honor, I believe she just tried
22 to calm me down and assure me that everything was going to be
23 okay and that she would take the information and whatever.

24 JUDGE CHACHKIN: But apparently you complained
25 repeatedly.

1 MR. McCLELLAN: A number of times about a number of
2 -- I think I have a reputation maybe of complaining
3 repeatedly.

4 JUDGE CHACHKIN: But at no point did she agree with
5 you that Mr. Muncie should be taken off the job?

6 MR. McCLELLAN: He was finally taken off the job.

7 JUDGE CHACHKIN: What was the straw that broke the
8 camel's back?

9 MR. McCLELLAN: I'm not sure, Your Honor.

10 JUDGE CHACHKIN: But you don't know why he was taken
11 off the job?

12 MR. McCLELLAN: I'm not sure. I was just thankful
13 when I heard.

14 BY MR. SHOOK:

15 Q And approximately when was Mr. Muncie taken off the
16 job?

17 A I'm not sure, but I believe it was the first part of
18 '92 because I arranged for the completion -- we had to remove
19 asbestos from our studio floor and I took care of all those
20 kinds of things. One of the problems Mr. Muncie had is he
21 would say I'll take care of something and he wouldn't and
22 subcontractors -- he had problems with not paying
23 subcontractors, so they wouldn't come back. So there were
24 weeks that we just sat there waiting for someone to come work
25 and I couldn't do anything.